



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/684,791

10/14/2003

Munehiro Ando

P8511a

4217

20178 7590 07/28/2005

EPSON RESEARCH AND DEVELOPMENT INC
INTELLECTUAL PROPERTY DEPT
150 RIVER OAKS PARKWAY, SUITE 225
SAN JOSE, CA 95134

EXAMINER

LEE, SEUNG H

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,791

Applicant(s)

ANDO ET AL.

Examiner

Seung H. Lee

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1,4-11 and 14-21 is/are rejected.
- 7) ☒ Claim(s) 2,3,12 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/14/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 23 is objected to because of the following informalities:

A method claim (i.e., claim 23) is depended on an apparatus claim (i.e., claim

- 12). The Examiner will consider the claim 23 is depended on the claim 22.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 6 and 16, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). The Examiner will interpret the phrase "product-specific information such as a product profile to be displayed on a form" as —product-specific information—until clarified by the applicant.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4-7, 11, 14-17, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Patterson et al. (US 5,680,314)(hereinafter referred to as Patterson').

Re claims 1, 7, 11, 17, 21: Patterson teaches a system for a custom tailed garments for a customer comprising a sample form (figure 3) for identifying information related to measurement of clothing in which the sample form was printed using a well known printer or form printer (not shown) and "TeleForm for Windows" program having a form format suitable to a product purchased by a customer and specific form configuration data such as size and model unit, etc., a facsimile machine for reading/scanning the ordering form having specific information about the customer and sending read/scanned the ordering form to a computer at the factory wherein such the facsimile machine generates a image of the ordering form, the ordering form that was received at the factory in form of image file is stored I the data storage memory (see figs. 1-7; col. 1, line 58- col. 6, line 7; col. 4, lines 5-54),

Re claims 4, 14: The form configuration data includes a customer code serving as customer information about a registered customer (col. 4, lines 6-24),

Re claims 5, 6, 15, 16: The form configuration data includes a plurality of customer selections such as colors of waist, upper hip, hip, etc., and/or length of leg wherein such information serves as a product information about a product for sale (fig. 3).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson.

The teachings of Patterson have been discussed above.

Although, Patterson teaches the custom tailed garments system for ordering garments according to each customers preference using a terminal such as the facsimile machine to connects reading means and storage means, however, he fails to particularly teach that the printer is also connected to the networks for printing the form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the printers (not shown) for printing the custom ordering form generated by using of program (e.g., a "TeleFrom") with other devices such as reading devices and storage device for faster process of the customer order wherein

Art Unit: 2876

data containing particular order can be transmit to the factory instantly in which provide expedite ordering process.

9. Claims 8, 9, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson. In view of Oka et al. (US 6,891,595)(hereinafter referred to as 'Oka').

The teachings of Patterson have been discussed above.

Although, Patterson teaches the custom tailed garments system for ordering garments according to each customer's preference using a terminal such as the facsimile machine, however, he fails to particularly teach that the system comprises a barcode reader for reading barcode.

However, Oka teaches a ordering system comprising a order form (fig. 6) comprising a barcodes (6-4) for uniquely identifying each order wherein such barcode can be read using barcode reader (6) (see figs. 1 and 6; col. 8, lines 8-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Oka to the teachings of Patterson in order to provide an improved system using the barcode for tracking the order such as location of the order.

Allowable Subject Matter

10. Claims 22 and 23 allowed.

Art Unit: 2876

11. Claims 2, 3, 12, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:

Although, the best prior art of record to Patterson and Oka teaches a custom tailed ordering system having a ordering form having identifying means such as barcode. Patterson and Oka taken alone or in combination thereof other references, fail to specifically teach or fairly suggest that the system and method comprises a receipt generating means for generating receipt containing sales transaction information for a purchased product wherein the receipt generating means generating an exchange receipt containing a partial image of the completed form in conjunction with the receipt as set forth in the claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

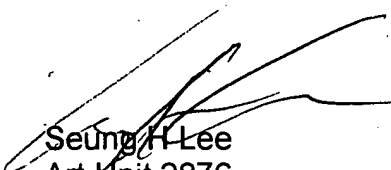
Park et al. (US 5,768,135) discloses a system and method for custom tailoring and manufacturing apparels.

Art Unit: 2876

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday-Friday, 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Seung H. Lee
Art Unit 2876
July 25, 2005